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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,492	04/16/2004	Henry Ho	AMAT78269/CMP/ECP/RKK	1337
44257 7590 06/10/2008 PATTERSON & SHERIDAN, LLP - - APPM/TX 3040 POST OAK BOULEVARD, SUITE 1500 HOUSTON, TX 77056				
EXAMINER				
WALDBAUM, SAMUEL A				
ART UNIT		PAPER NUMBER		
1792				
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06/10/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/826,492

Applicant(s)

HO ET AL.

Examiner

SAMUEL A. WALDBAUM

Art Unit

1792

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.
2. In the appeal brief filed May 5, 2008, the arguments were persuasive and thus the previous rejection is hereby withdrawn in favor of the new rejection found below. The previous arguments found in the appeal brief filed May 5, 2008 are hereby moot in light of the new rejection found below.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claim 1 rejected under 35 U.S.C. 102(a/e) as being anticipated by Henderson et al (U.S. 6,530,157, hereafter '157).

4. Claim 1: '157 teaches a chamber body (fig. 2, clearly shows a chamber body for processing the substrate), a rotatable substrate support positioned in the lower portion of the processing volume (fig 2, part 4, col. 6, lines 35-55), with a least three cooperatively rotatable substrate centering posts (figs. 1-9, col. 4, lines 20- col. 5, line 25 and col. 5, lines 45-col. 6, line 55) where the substrate centering posts are stationary while the chuck rotates the substrates (fig. 1-9, col. 4, lines 20- col. 5, line 25 and col. 5, lines 45-col. 6, line 55) and a nozzle for dispensing fluid (fig. 8 part 15, col. 6, lines 35-55).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 2-5 and 9-10 rejected under 35 U.S.C. 103(a) as being unpatentable over Henderson (U.S. 6,530,157) as applied to claim 1 above, further in view of Anderson et al

(U.S. 5,851,041, hereafter '041) and Adachi et al (U.S. pgpub. 2002/0134512, hereafter '512) and Shinabara (U.S. 4,788,994, hereafter '994).

'157 teaches all the limitations of claim 1 above.

7. Claim 2: '157 teaches that the centering post is separate from the rotatable substrate support (see claim 1 above). '157 does not teach that the centering post compose a vertical member, a cap member a raised central portion of the cap, and a raised centering portion extending from the cap positioned off center. '041 is a substrate processing apparatus. '041 teaches that the substrates centering post can have a vertical positioning shaft (fig. 2, part 215, shows a vertical shaft) and teaches a cap member for terminating the end of the shaft (fig. 3, part 216, col. 5, lines 20-33). All of the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention, meaning that centering posts can have a vertical member and cap as taught by '041 in apparatus '157 to have yield the predictable result of centering the substrate over the rotating substrate support.

'157 in view of '041 does not teach that the cap has a raised central portion and that has an extension extending from the cap. '512 is a substrates processing apparatus. '512 teaches that a cap (fig. 8 and 12, parts 112 and 112g, [0087]) that has a raised center from the edge (fig. 8, the raised center can be seen by the upper incline from part 1122 to part 1121) and a projection extending from therefrom for centering the substrate (fig. 8, part 1121). All of the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the

combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention, meaning that the cap can have a raised center portion and an extending post from the top of the cap as taught by '512 in apparatus '157 in view of '041 to have yield the predictable result of centering the substrate over the rotating substrate support.

'157 in view of '041 and '512 do not teach that the upward extending member from the cap is off centered. '994 is a solving the same problem of the applicant of placing a extending member off centered for positioning the substrate. '994 teaches that the extending member from a cap is off centered so the substrate can rest on the remain portion of the cap (fig. 12, shows off center extending member, part 77, allowing substrate to rest on the cap col. 9, line 45-col. 10 line 5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have off centered the extension as taught by '994 in apparatus '157 in view of '041 and '512 to have allowed the substrate to rest on the rest of the cap as it is being centered.

8. Claims 3 – 5: '041 teaches at least 3 rotatable centering post receiving receptacles (fig. 2, centering post, part 215 to connect to part 217, through the housing, part 210 by pin, part 218). Wherein the centering post are linked together so they move as one (fig. 6, part 217 connects the centering posts at each end to the linking arm, part 601), while an actuator (col. 4, lines 60 – 67), which can be powered by air (col. 8, lines 29 – 42) is used to rotate the arms in one cooperative movement (fig. 6 – 7, shows the linking arms, part 601, powered by the actuator to collectively move the centering post receiving receptacles, thus moving the arms). All of the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the

invention, meaning that the centering post moving mechanism as described above and taught by '041 can be the linking and moving assembly in apparatus '041 to yield the predictable result of rotating the centering post into position.

9. Claim 9: '157 teaches that the centering posts are simultaneously rotated (col. 4, line 20-col. 6, line 55), '041 teaches that the rotating posted is configured to be simultaneously rotated by an actuator (see claim 3 above). Therefore the actuator as taught by '041 is capable of simultaneously rotating the centering posts in apparatus '157.

10. Claim 10: '157 teaches that the centering post are engaging the bevel of the wafer (fig. 4).

Claims 6-8 rejected under 35 U.S.C. 103(a) as being unpatentable over Henderson (U.S. 6,530,157) as applied to claim 1 above, further in view of Mayer et al (U.S. 6,537,416, hereafter '416).

'157 teaches all the limitations of claim 1 above.

11. Claim 6-8: '157 teaches a first pivoting nozzle in communication with a fluid above the wafer (fig. 8 part 15, col. 6, lines 35-55). '157 does not teach multiple nozzles or a nozzle underneath the wafer. '416 is a wafer cleaning apparatus. '416 teaches the use of pivoting nozzle in communication with an etchant (col. 11, lines 25 – 50) and a second nozzle in communication with a rinsing solution (col. 8, lines 26 – 45). '416 teaches the use of backside nozzles for dispensing a rinsing solution (col. 8, lines 45 – 55) and a second backside nozzle for dispensing a etchant (col. 9, lines 15 – 25) which is capable of dispensing a cleaning solution, allowing for rinsing solution and etchant to cover more surface area. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the multiple

nozzle configuration taught by '416 in apparatus '157 to have allowed for rinsing or etchant solution to be dispensed over a larger area of the wafer.

Claim 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Henderson (U.S. 6,530,157) as applied to claim 1 above, further in view of Kurihara et al (U.S. 5,820,685, hereafter '685).

'157 teaches all the limitations of claim 1 above.

12. Claim 11: '157 does not teach that the substrate centering posts are vertically movable between a loading and processing position. '685 is wafer support device. '685 teaches that the wafer supports can raise vertically through the bottom of the plate to support the wafer (abstract, col. 1, lines 52 –62). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have made the center post of apparatus '157 to be elevated and lowered as taught by '685 to provide support for the wafer.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAMUEL A. WALDBAUM whose telephone number is (571)270-1860. The examiner can normally be reached on M-TR 6:20-3:50, F 6:30-10:30 est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Cleveland can be reached on 571-272-1418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. A. W./
Examiner, Art Unit 1792

/Michael Cleveland/
Supervisory Patent Examiner, Art Unit 1792